

STATEMENT OF PURPOSE

RS22800

This proposed legislation would change the current video voyeurism law in Idaho Code. The law is in place to protect privacy of individuals. Currently, the law is narrowly tailored to combat the sharing of images that are used for sexual gratification when there is not consent to do so. The law does not address the use of pictures or videos of an intimate or private nature that are shared without consent for other purposes that are just as damaging as sexual gratification, such as revenge, extortion or humiliation. This proposed legislation would provide protections in those instances.

FISCAL NOTE

An exact measure of the fiscal impact of this legislation cannot be accurately calculated due to a number of factors. Currently, there are no mechanisms for gathering data on the number of cases involving selling or posting intimate photos under these circumstances. As a result, the number of possible cases involving these crimes cannot be predicted. In addition, prosecutors have the discretion of whether and how to prosecute crimes and courts have the discretion to determine how lengthy a sentence will be. It is impossible to know the extent to which prosecutors and courts will choose to use this statute. Finally, any increase in incarceration costs cannot be determined in the absence of evidence of the number of convictions that will be obtained. Based upon these unknown variables, an exact fiscal impact cannot currently be calculated.

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